

FILED  
CLERK, U.S. DISTRICT COURT  
MAR - 7 2016  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

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A. ( ) On motion of the Government in a case allegedly involving:

1. ( ) a crime of violence.
2. ( ) an offense with maximum sentence of life imprisonment or death.
3. ( ) a narcotics or controlled substance offense with maximum sentence of ten years or more.
4. ( ) any felony - where defendant convicted of two or more prior offenses described above.

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5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. (X) On motion by the Government/( ) on Court's own motion, in a case allegedly involving:

(X) On the further allegation by the Government of:

1. (X) a serious risk that the defendant will flee.

2. ( ) a serious risk that the defendant will:

a. ( ) obstruct or attempt to obstruct justice.

b. ( ) threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government ( ) is/( X ) is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

A. (X) The Court finds that no condition or combination of conditions will reasonably assure:

1. (X) the appearance of the defendant as required.

( X ) and/or

2. ( X ) the safety of any person or the community.

B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

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III.

### **The Court has considered:**

- A. ( X ) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- B. ( X ) the weight of the evidence against the defendant;
- C. ( X ) the history and characteristics of the defendant; and
- D. ( X ) the nature and seriousness of the danger to any person or the community.

IV.

The Court also has considered all the evidence presented at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation

V.

The Court bases the foregoing finding(s) on the following:

A. (X) As to flight risk:  
*Defendant's family ties and recent travel to Mexico, his use of multiple SSNs, his warrant history, his substance abuse history, and his history of non-compliance with Court orders. Although bail resources are available, family members are not willing to post property to secure appearance bond.*

B. (X) As to danger:  
*Extensive criminal history, his substance abuse history, his failure to complete multiple drug rehab programs, his history of non-compliance with Court orders, his gang affiliation, and history of probation/parole violations. This Court does not believe that terms and conditions can be set that Defendant has a reasonable chance of satisfying given his history of poor compliance with rehab opportunities and Court orders.*

1 VI.

2 A. ( ) The Court finds that a serious risk exists the defendant will:

3 1. ( ) obstruct or attempt to obstruct justice.

4 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

5 B. The Court bases the foregoing finding(s) on the following:

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9 VII.

10 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

11 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the  
12 Attorney General for confinement in a corrections facility separate, to the extent  
13 practicable, from persons awaiting or serving sentences or being held in custody  
14 pending appeal.

15 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity  
16 for private consultation with counsel.

17 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
18 request of any attorney for the Government, the person in charge of the corrections  
19 facility in which defendant is confined deliver the defendant to a United States  
20 marshal for the purpose of an appearance in connection with a court proceeding.

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22 Dated: 3/7/2016

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25 DOUGLAS F. McCORMICK  
26 United States Magistrate Judge  
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